

**§ 391.85 Definitions.**

As used in this subpart—

*Collection site* means a place where individuals present themselves for the purpose of providing body fluid or tissue samples to be analyzed for specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the samples to a laboratory.

*Commercial motor vehicle* means any self-propelled or towed motor vehicle used on public highways in interstate commerce to transport passengers or property when:

(a) The motor vehicle has a gross vehicle weight rating or gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds); or

(b) The motor vehicle is designed to transport more than 15 passengers, including the driver; or

(c) The motor vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary under the Hazardous Materials Transportation Act (49 U.S.C. 5101 *et seq.*).

*Controlled substances* has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR part 1308).

*Drug* means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 CFR part 40.

*FHWA* means the Federal Highway Administration, U.S. Department of Transportation.

*Interstate commerce* means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States.

*Medical practitioner* means a licensed doctor of medicine (MD) or osteopathy (DO) or a doctor of dental surgery (DDS) authorized to practice by the State in which the person practices.

*Medical Review Officer* means a licensed doctor of medicine or osteop-

athy with knowledge of drug abuse disorders that is employed or used by a motor carrier to conduct drug testing in accordance with this part.

*Motor carrier* means a for-hire motor carrier or a private motor carrier of property. The term “motor carrier” includes a motor carrier’s agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of subchapter B, the definition of “motor carrier” includes the terms “employer” and “exempt motor carrier.”

*Non-suspicion-based post-accident testing* means testing of a commercial motor vehicle driver after an accident, as defined in § 390.5 of this subchapter:

(1) If the driver of the commercial motor vehicle receives a citation for a moving traffic violation arising from the accident, as required by § 391.113 of this subpart; and

(2) Without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the commercial motor vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

*Random selection process* means that drug tests are unannounced and that every commercial motor vehicle driver of a motor carrier has an equal chance of being selected for testing.

*Reasonable cause* means that the motor carrier believes the actions or appearance or conduct of a commercial motor vehicle driver, on duty as defined in § 395.2 of this subchapter, are indicative of the use of a controlled substance.

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**§ 391.87 Notification of test results and recordkeeping.**

(a) The MRO shall report to the motor carrier whether a driver’s test